

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ANDRE BAILEY

CRIMINAL ACTION

NO. 23-498-KSM

ORDER

AND NOW, this 31st day of October, 2024, upon consideration of Defendant's motion to dismiss charges (Doc. No. 59), the Government's opposition (Doc. No. 64), and Defendant's reply briefs (Doc. Nos. 66, 67, 73), it is **ORDERED** that Defendant's motion is **DENIED** for the reasons stated in the accompanying memorandum. It is **FURTHER ORDERED** that:

1. Having liberally construed Defendant's allegations about an unlawful traffic stop as making a motion to suppress, a **SUPPRESSION HEARING** will be held on **November 20, 2024, at 2:00 p.m.** in Courtroom 16B of the James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.

2. Defendant shall file any supplemental briefings in support of his motion to suppress by **November 8, 2024**. The Government shall respond to any further briefing from Defendant by **November 15, 2024**.

3. The selection of a jury shall take place on **Tuesday, December 3, 2024, at 9:30 a.m.**¹ Jury selection will take place at the James A. Byrne United States Courthouse, 601 Market

¹ The Court encourages the government to turn over all Jencks material three days prior to the start of trial in order to give Bailey and his standby counsel time to review the materials. *See United States v. Ramirez-Cervantes*, No. 22-226, 2023 WL 8595928, at *3 (W.D. Pa. Dec. 12, 2023) ("A court can encourage the government to provide the defense with Jencks Act materials in time to avoid unnecessary delays during trial."). This will allow the Court to immediately proceed to cross examination of witnesses rather than require a break in the proceedings.

Street, Philadelphia, Pennsylvania, in Courtroom 16B. Following jury selection on December 3, 2024, the Court will begin trial on **Monday, December 9, at 9:30 a.m.**

4. The Clerk of Court is **DIRECTED** to mail a copy of this order to Defendant Andre Bailey at FDC Philadelphia, 700 Arch Street, P.O. Box 562, Philadelphia, PA 19105.

IT IS SO ORDERED.

/s/ Karen Spencer Marston
KAREN SPENCER MARSTON, J.